EMBANKMENT—*contd.*

I.—BENGAL (EXCEPT SAMBALPUR DISTRICT) AND EASTERN BENGAL—*contd.*

A.—ORISSA AND SUNDARBANS—*contd.*

1. **Preliminary**—*contd.*

Definition of "embankment" and "public embankment" . Act32,1855,s.2.
„ "Collector" . . . . . „ s.21. / Ben.Act7,1866,s.10.
„ "owner" . . . . . „ s.10.

2. **Management, Construction and Maintenance.**

Public embankments and water-courses, and embanked tow-paths maintained by Government, to vest in Government . / Certain embankments, water-courses and embanked tow-paths to be held on behalf of Government, and other embankments and water-courses to be held by Government on behalf of interested persons . . . . . (Or.)Ben.Act2,1882,ss.4, 94.
Continued use of lands by Government, free of payment, for obtaining earth for repairs . . . . . „ „ ss.5,94.
Engineer's power to take earth, etc., for purposes of repairs . . „ „ ss.34,94.
Superintendence of public embankments entrusted to Superintendent of Embankments . . . . . Act32,1855,s.3.
Power of Superintendent to direct that embankment be taken charge of by Government officers, to remove embankment, to change line of public embankment and to make new embankment; invitation and consideration of objections; appeals; bar to jurisdiction of Civil Courts . . . . . „ ss.4,5.
Power of Superintendent to enlarge and maintain public embankment . . . . . „ s.4,cl.4.
Expense of maintaining embankment taken over from private person to be charged to him; limit to charge . . . . „ s.6.
Compensation payable when Superintendent enlarges, changes line of, makes new, or removes, embankment:
Claim to be considered by Revenue-authorities; restrictions on resort to Civil Courts . . . . . / Arbitration when to be resorted to . . . . . „ s.7,cl.1.
Procedure for arbitration . . . . . „ s.7,cls.2. to9.
Power to defer payment of compensation . . . . . „ s.7,cl.10.
Reversal or alteration of award; reference to other arbitrators „ „ cl.11.
Dismissal of suits against Government . . . . . „ „ cl.12.
Estimated value of benefit to be set off against compensation . „ „ cl.13.
Compensation for huts, trees or crops to be settled by Collector only . . . . . „ „ cl.14.
Construction of sluice in public embankment for purpose of drainage or irrigation, on application of landholders, etc. . „ s.8.
Recovery, from persons other than the applicants, of part of cost of construction of such sluice; enquiry before assessing their shares; restriction on resort to Civil Courts . . . . Ben.Act7,1866,s.6.
Opening of sluice in public embankment . . . . . Act32,1855,s.9.
Making of temporary water-course or roadway through or over public embankment; or temporary dam in embanked river . „ s.10.

EMBANKMENT—*contd.*

I.—BENGAL (EXCEPT SAMBALPUR DISTRICT) AND EASTERN BENGAL—*contd.*

A.—ORISSA AND SUNDARBANS—*concld.*

2. Management, Construction and Maintenance—*contd.*

Annual specifications and estimates for, and final accounts of cost of, works kept up at expense of landholders and others: preparation and examination of; disposal of objections to; appeal; recovery of cost . . . . . Act32,1855,s.11.

Removal of buildings situated between public embankment and river:

Report by Superintendent to Collector, when former considers removal necessary . . . . . „ s.12,cl.1.

Collector to invite claims to compensation . . . . . „ s.12,cl.2.

Selection of jury to determine value of buildings and rights of claimants; award of jury; bar to jurisdiction of Civil Courts . . . . . „ s.12,cls. 3to5.

Notice to parties to receive amount awarded and remove buildings . . . . . „ s.13.

Removal by Collector in default of parties; recovery of cost; penalty for obstruction . . . . . „ ss.14,15.

Power of Superintendent of Embankments or Engineer to begin work immediately in case of grave and imminent danger to life or property; payment of compensation and restoration of embankment, etc., when immediate action determined to have been unnecessary . . . . . (Or.)Ben.Act12,1882,ss. 25,26,92,93.

Acquisition of land for purposes of Act:

Application of Land Acquisition Act . . . . .
Interest payable on amount of compensation . . . .
No compensation payable when Collector has not received same from person whose lands benefited . . . . . Ben.Act7,1866,s.1.

Power of Collector, after enquiry, to charge cost of acquisition on owners of lands benefited by construction, etc., of public embankment; restrictions on resort to Civil Courts; what included in cost of acquisition; recovery of cost . . „ ss.2to5.

Act not to affect existing obligation to give land gratuitously or to pay for land acquired under it . . . . . „ s.9.

3. Supplemental.

Disposal of land no longer required for purposes of Act . . „ s.7.

Penalty for unauthorised interference with public embankment or water-course . . . . . .
„ unauthorised erection, etc., of embankment, or obstruction or diversion of water-course, in notified tract . . . . . (Or.)Ben.Act2,1882,ss.76, 94.

„ wilful damage to embankment by cutting, etc. . Act32,1855,s.16.

„ wilful damage to public embankment by making obstruction, etc. . . . . „ s.17.

Jurisdiction of Magistrates; appeal from their orders . . „ ss.18,20.

Delegation of powers of Collector to Deputy Collector; appeal from order of Deputy Collector . . . . . Ben.Act7,1866,s.8.

EMBANKMENT—*contd.*

I.—BENGAL (EXCEPT SAMBALPUR DISTRICT) AND EASTERN BENGAL—*contd.*

B.—ELSEWHERE.

1. Preliminary.

Ben. Act 6, 1873, repealed, except ss. 12, 13, 21 (proviso), 26 to 29, and Schs. B, C, D, E . . . . . Ben. Act 2, 1882, s. 2, Sch. I.

Ben. Act 6, 1873, ss. 12, 21, 26, *amended* . . . . . " s. 2, Sch. II.

Definitions . . . . . " s. 3.

2. Management, Construction and Maintenance.

Public embankments and water-courses, and embanked tow-paths *maintained* by Government, to vest in Government . Certain embankments, water-courses and embanked tow-paths to be held on behalf of Government, and other embankments and water-courses to be held by Government on behalf of interested persons . . . . . Ben. Act 6, 1873, Sch. D. Ben. Act 2, 1882, ss. 2, 4, Sch. I.

Continued use of lands by Government, free of payment, for obtaining earth for repairs . . . . . " s. 5.

Execution of works at *instance* of Collector:

Transfer of embankment or water-course to charge of Government officers, removal or alteration of embankment or obstruction, changing of line of, or renewing, public embankment, making of new embankment, making of sluice, making or alteration of water-course, or alteration of road interfering with drainage:

Estimates, plans, specifications and map to be prepared, and *notice issued*, by Collector . . . . . " ss. 7 to 9, Sch. III.

Enquiry into objections . . . . . " s. 10.

Order after enquiry; reference to *Commissioner*, Board of Revenue and Local Government for sanction to execution of work; power of Local Government to dispense with reference to higher authority . . . . . " ss. 11 to 15.

Power of Collector to require that alteration of road or construction of water-course under or through road be carried out by person in charge of road; carrying out of work by Government officers in default of such person; expenses by whom to be borne . . . . . " s. 17.

Making of sluice in public embankment for purpose of drainage or irrigation, or erection, improvement, etc., of embankment or water-course, on application to Collector . . . . . " s. 18.

Removal by Collector of trees or buildings situated between public embankment and river; acquisition of land for construction, etc., of embanked tow-path; application of Land Acquisition Act . . . . . " s. 19.

Removal of trees or buildings in pursuance of Ben. Act 2, 1882, s. 19, *in cases of emergency, without resorting in the first instance* to the Land Acquisition Act; compensation . . . . . Ben. Act 6, 1873, s. 21, prov. Ben. Act 2, 1882, s. 2, Schs. I, II.

Reference by Collector to Commissioner where works or lands situated in different districts . . . . . " s. 20.

Appointment and functions of Embankment Committee; conduct of business; reference to Commissioner when Collector differs from Committee . . . . . " ss. 21 to 24, 30(b).

EMBANKMENT—*contd.*

I.—BENGAL (EXCEPT SAMBALPUR DISTRICT) AND EATSERN BENGAL—*contd.*

B.—ELSEWHERE—*contd.*

2. Management, Construction and Maintenance—*contd.*

Procedure in case of grave and imminent danger to life or property :

Power of Collector or Engineer to begin work without completing enquiries ; notice to be given when land situated in another district ; payment of compensation and restoration of embankment, etc., when immediate action determined to have been unnecessary . . . . . Ben.Act2,1882,ss.25to27, 29.

Power of Engineer to repair and maintain public embankments, public water-courses, etc. . . . . ,, s.30.

Making of temporary road-way or water-course over or through public embankment, or temporary dam in embanked river or public water-course, on application to Engineer . . . ,, s.31.

Opening and shutting of sluice in public embankment . . ,, s.32.

Engineer's powers of entry, survey, etc. : notice of entry ; payment to be made for damage done . . . . . ,, s.33.

Engineer's power to take earth, etc., for purposes of repairs ; compensation for crops ; acquisition of land . . . . ,, ss.34to36.

Engineer's powers subject to control of Collector . . . ,, s.28.

Application of Land Acquisition Act when land required for purposes of Act . . . . . ,, s.37.

Acquisition of land and earth in pursuance of Ben. Act 2, 1882, s. 25 or s. 30, in cases of emergency, without resorting in the first instance to the Land Acquisition Act ; compensation . Ben.Act6,1873,ss.12,13. 26to29,Schs.B,C, Ben.Act2,1882,s.2,Schs.I, II.

Compensation for injury caused in execution of Act :

When claimable . . . . . Ben.Act2,1882,s.38.

Limitation of claims . . . . . ,, s.39.

Procedure for determining amount and person to whom payable ; matters to be considered . . . . . ,, ss.40,41.

Cost of works :

To be paid, in the case of certain embankments, wholly or partly by Government . . . . . Ben.Act6,1873,Schs.D,E. Ben.Act2,1882,ss.2,42to 46,Sch.I.

Procedure when payment to be made by zamindar :

Specifications and estimates to be prepared by Engineer and sent to Collector . . . . . Ben.Act2,1882,ss.47to49.

Notice of such specifications and estimates ; disposal of objections . . . . . ,, s.50.

Accounts of actual expenses ; certificates and statements as to lands benefited, etc. . . . . ,, s.51.

Notice of such accounts, certificates and statements ; disposal of objections . . . . . ,, s.52.

Collector to make an order specifying total sum payable ; order when to be served on persons liable to pay . . ,, s.53.

Zamindar's liability to pay . . . . . Ben.Act6,1873,Sch.E. Ben.Act2,1882,ss.2,51,54. Sch.I.

Recovery by zamindar or tenure-holder of share of cost apportioned to under-tenant . . . . . Ben.Act2,1882,ss.55,74.

EMBANKMENT—*contd.*

I.—BENGAL (EXCEPT SAMBALPUR DISTRICT) AND EASTERN BENGAL—*concld.*

B.—ELSEWHERE—*concld.*

2. Management, Construction and Maintenance—*concld.*

Procedure when payment to be made by zamindar—*contd.*

Notice of amount payable and of apportionment thereof between zamindars; procedure for making apportionment; amount apportioned how payable; interest chargeable	Ben. Act 2, 1882,	ss. 56 to 62.
Alternative power of apportioning estimated expenditure for a series of years; notice; disposal of objections; amount apportioned how payable; interest chargeable	,,	ss. 63 to 67.
Final order of apportionment, specifying estates, sums payable, dates of payment, etc.; making, and giving notice of, order	,,	ss. 68, 69.
Procedure for recovery of sums payable	,,	ss. 70, 73.
Separate liability, etc., when separate account opened under Act 11, 1859, Ben. Act 7, 1876, section 70, or Ben. Act 9, 1880	,,	s. 71.
Sums payable first charge on estate; charge not avoided by sale and joint liability not affected by partition of estate	,,	s. 72.

3. Supplemental.

Disposal of land no longer required for purposes of Act; application of proceeds	,,	s. 87.
Penalty for obstructing person in execution of Act	,,	s. 75.
,, unauthorised interference with public embankment or water-course	,,	s. 76(*a*).
,, unauthorised erection, etc., of embankment, or obstruction or diversion of water-course, in notified tract	,,	ss. 6, 76(*b*).
,, unauthorised cutting through or destroying public embankment, or opening or shutting sluice, etc.	,,	s. 77.
,, unauthorized diverting of water-course, removal of earth from public embankment, grazing of cattle on public embankment, etc.	,,	s. 78.
Removal of obstruction, or repair of damage, on conviction of offender	,,	s. 79.
Publication of proclamations and notices	,,	s. 80.
Service of notices and orders	,,	s. 81.
Powers of Collector and Commissioner for taking evidence	,,	s. 82
Mistakes in form not to invalidate proceedings	,,	s. 83.
Delegation of powers of Collector to Deputy Collector	,,	s. 88.
Appeals from orders when to lie; limitation; control of Local Government; Board of Revenue and Commissioners	,,	ss. 84 to 86, 88, 90(*c*).
Jurisdiction of Magistrates	,,	s. 89
Rules, making and publishing of	,,	s. 90.
Act not to apply to embankments, lands or water-courses which are subject to certain other Acts	,,	s. 91.

II.—BURMA.

A.—GENERALLY.

Burma Embankment Act, 1909, to come into force on notification	[1]Bur. Act 4, 1909,	s. 1.

[1] Bur. Act 4, 1909, will come into force when notified.